

U.S. Department of Housing and Urban Development
Office of the Assistant Secretary for Housing
Federal Housing Commissioner -1997

SECTION 202
SUPPORTIVE HOUSING FOR THE ELDERLY
APPLICATION PACKAGE

SECTION 202 APPLICATION PACKAGE

INTRODUCTION: This constitutes the Application Package for applying for funding under the Section 202 Supportive Housing for the Elderly Capital Advance Program. **Contact MUST be made to the local HUD Office for additional information and submission requirements.**

An original and four (4) copies of the Application must be submitted in response to a Federal Register Notice of Fund Availability (NOFA). The original and four copies of the completed Application must be submitted to the local HUD Office, either by hand, delivery service or certified mail, by the deadline date and time set forth in the NOFA. APPLICATIONS RECEIVED AFTER THAT DATE AND TIME WILL NOT BE ACCEPTED, EVEN IF POSTMARKED BY THE DEADLINE DATE. Applications by facsimile will not be accepted.

Before preparing your Application, you should carefully review the requirements of the Regulations (24 CFR Part 891), general program instructions set forth in Handbook 4571.3 REV-1, Section 202 Capital Advance Program for Housing the Elderly, and the current year's Housing Funding Allocation Notice. Note: Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat. 967 shall apply to all information supplied in the application submission). (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.)

CONTENTS OF APPLICATION PACKAGE: The Application for a Section 202 Capital Advance consists of four parts with a total of twelve Exhibits. Included with the twelve Exhibits are five prescribed forms and twelve certifications. Nine of the twelve certifications have been combined into a single document. The components of the application submission package are:

- Part 1 - Application for Section 202 Supportive Housing - Capital Advance
(Exhibit 1)

- Part 2 - Sponsor's Ability to Develop and Operate the Proposed Project
(Exhibits 2 and 3)

Part 3 - The Need for Supportive Housing for the Elderly
in the Area to be Served, Site Control and
Suitability of Site, Adequacy of Provision of
Supportive Services and of the Proposed Facility
(Exhibit 4)

Part 4 - General Application Requirements
and Certifications
(Exhibits 5 through 12)

NOTE: PARTS 2 AND 3 INCLUDE EXHIBITS RELATED TO THE
RATING CRITERIA.

All of the required application exhibits are specifically
identified in the NOFA.

GENERAL INSTRUCTIONS FOR PREPARING APPLICATION: The application
must be submitted using the attached application package format.

THE APPLICATION MUST BE INDEXED AND TABBED ACCORDINGLY. The
package includes the following:

1. The Table of Contents which identifies the order in
which the application is to be assembled. It also
serves as the application checklist by identifying the
submission page for the exhibit.
2. The Application Contents identified by the Part of the
application and the relevant exhibits. As noted above,
the relevant rating criteria are also identified in
Parts 2 and 3. All forms and certifications required
for the application submission are included in the
section pertaining to the specific exhibits. **(NOTE:
Information relating to the Phase I Environmental
Assessment, Exhibit 4(c)5 and the whether the proposed
site is located in a Federally designated Empowerment
Zone, Urban Supplemental Empowerment Zone, Enterprise
Community or an Urban Enhanced Enterprise Community
must be obtained from the local HUD Office.)**

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EXHIBIT 1: Form HUD-92015-CA, Application for Section 202 Supportive Housing Capital Advance _____

PART II - SPONSOR'S ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: Legal Status of each private Nonprofit or Consumer Cooperative Sponsor: _____

 (a) Articles of Incorporation (or other organizational documents) _____

 (b) By-laws _____

 (c) IRS Tax Exemption Ruling _____

[EXCEPTION: SPONSORS WHO HAVE RECEIVED A SECTION 202 FUND RESERVATION WITHIN THE LAST THREE FUNDING CYCLES ARE NOT REQUIRED TO SUBMIT THE DOCUMENTS DESCRIBED IN (a), (b), and (c), ABOVE. INSTEAD, SPONSORS MUST SUBMIT THE PROJECT NUMBER OF THE LATEST APPLICATION AND THE HUD OFFICE TO WHICH IT WAS SUBMITTED. IF THERE HAVE BEEN ANY MODIFICATIONS OR ADDITIONS TO THE SUBJECT DOCUMENTS, INDICATE SUCH, AND SUBMIT THE NEW MATERIAL.]

 (d) Conflict of Interest Resolution _____

EXHIBIT 3: Sponsor's purpose, community ties and experience:

- (a) A description of Sponsor's purposes and activities, ties to the community (including minority community), local government support, how long the Sponsor has been in existence, and any additional related information; _____
- (b) A description of Sponsor's housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities, sponsored, owned and operated by the Sponsor, the Sponsor's past or current involvement in any programs other than housing that demonstrates the Sponsor's management capabilities (including financial management) and experience, and the Sponsor's experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities; and the reasons for receiving any increases in fund reservations for developing and operating previously funded projects; _____
- (c) A description of Sponsor's participation in joint ventures and experience in contracting with minority, women-owned and small businesses over the last 3 years. Include a description of the joint venture, the partners involved, and the Sponsor's involvement and a summary of the total contract amounts awarded in each of the the three categories for the preceding 3 years and the percentage that amount represents of all contracts awarded by the Sponsor in the relevant time period; _____

(d) A certified Board Resolution of Sponsor's support for and commitment to project

(e) Description, if applicable, of the Sponsor's efforts to involve elderly persons, including minority elderly persons, in the development of the application as well as its intent to involve elderly persons in the development of the project.
(Optional - 5 Bonus points)

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE ELDERLY IN THE AREA TO BE SERVED, SITE CONTROL AND SUITABILITY OF SITE, ADEQUACY OF PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED FACILITY

EXHIBIT 4: Project information

(a) Evidence of need for supportive housing

(b) Description of the project which includes:

(1) Narrative description of the building design including a description of any special design features and community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10-20 years.

(2) Describe if and how the project will promote energy efficiency and if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction

(c) Evidence of site control and permissive zoning:

- (1) Evidence that the Sponsor has entered into a legally binding option agreement (which extends through the end of the current fiscal year and contains a renewal provision so that the option can be renewed for at least an additional six months) to buy or lease the proposed site or other evidence of legally binding site control _____
- (2) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations or statement of proposed action required to make project permissible _____
- (3) Narrative topographical and demographic description of the area, how the site suitability of the site and will promote greater housing opportunities for minority elderly and elderly persons with disabilities, thereby affirmatively furthering fair housing _____
- (4) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated _____
- (5) A Phase I Environmental Site Assessment _____
- (6) Letter from State Historic Preservation Office regarding any historic significance of site _____

- (d) Provision of supportive services and proposed facility:
 - (1) A detailed description of the supportive services proposed to be provided to the anticipated occupancy _____
 - (2) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services _____
 - (3) The manner in which such services will be provided to such persons (i.e., on or off-site), including, whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents _____

PART IV - GENERAL APPLICATION REQUIREMENTS/CERTIFICATIONS

EXHIBIT 5: A list of the applications, if any, the Sponsor has submitted or is planning to submit to any other HUD Office in response to this NOFA or the NOFA for Supportive Housing for Persons with Disabilities. Also, a list of prior year projects which have not been finally closed _____

EXHIBIT 6: HUD-2880, Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers _____

EXHIBIT 7:	E.O. 12372	_____
EXHIBIT 8:	Project Data on Occupancy, Displacement and Real Property Acquisition (optional Form HUD-40087 attached) or provide a statement that:	
	(a) identifies all persons (families, individuals, businesses and nonprofit organizations (identified by race/minority group, and status as owners or tenants) occupying the property on the date of submission of the application for a capital advance	_____
	(b) indicates the estimated cost of relocation payments and other services	_____
	(c) identifies the staff organization that will carry out the relocation activities	_____
	(d) identifies all persons that have moved from the site within the past 12 months	_____
EXHIBIT 9:	Standard Form 424	_____
EXHIBIT 10:	Lobbying Certification and Standard Form LLL, Disclosure of Lobbying Activities	_____
EXHIBIT 11:	Certification of Consistency with the Consolidated Plan (Plan)	_____
EXHIBIT 12:	Sponsor Certifications	_____

PART I

APPLICATION FOR SECTION 202 SUPPORTIVE
HOUSING - CAPITAL ADVANCE

EXHIBIT 1 - Form HUD-92015-CA, Application for Section 202
Supportive Housing Capital Advance (Attached)

PART II

SPONSOR'S ABILITY TO DEVELOP AND
OPERATE THE PROPOSED PROJECT

CRITERION - 1

1. In determining the Sponsor's ability to develop and operate the proposed housing on a long-term basis, consider:
 - (a) The scope, extent and quality of the Sponsor's experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to the Sponsor's demonstrated development and management capacity as well as its financial management capability.
 - (b) The scope, extent and quality of the Sponsor's experience in providing housing or related services to minority persons or families.
 - (c) The extent of local government support for the project.
 - (d) The extent of the Sponsor's activities in the community, including previous experience in serving the area where the project is to be located, and Sponsor's demonstrated ability to enlist volunteers, and raise local funds.

BONUS POINTS

- 4(a) The Sponsor has involved elderly persons (including minority elderly persons) in the development of the application and will involve elderly persons (including minority elderly persons) in the development of the project. [Exhibit 3(e) - Optional] **(5 Bonus Points)**

EXHIBIT 2 - Evidence of each Sponsor's legal status as a private, nonprofit organization or nonprofit consumer cooperative:

- (a) Articles of Incorporation, constitution, or other organizational documents;
- (b) By-laws;
- (c) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches). A consumer cooperative that is tax exempt under State law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if it is not eligible for tax exemption.

[EXCEPTION: SPONSORS WHO HAVE RECEIVED A SECTION 202 FUND RESERVATION WITHIN THE LAST THREE FUNDING CYCLES ARE NOT REQUIRED TO SUBMIT THE DOCUMENTS DESCRIBED IN (a), (b), and (c), ABOVE. INSTEAD, SPONSORS MUST SUBMIT THE PROJECT NUMBER OF THE LATEST APPLICATION AND THE HUD OFFICE TO WHICH IT WAS SUBMITTED. IF THERE HAVE BEEN ANY MODIFICATIONS OR ADDITIONS TO THE SUBJECT DOCUMENTS, INDICATE SUCH, AND SUBMIT THE NEW MATERIAL.]

- (d) Conflict of Interest Resolution (attached) duly certified by an officer, that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation that has or will have a contract with the owner and that includes a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending date of each person's term.

EXHIBIT 2(d)

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation

Sponsor:

Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the conditional commitment applications by those Owners for which fund reservations were approved, if

such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Conditional Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

Authorized Signature

EXHIBIT 3 - Sponsor's purpose, community ties and experience:

- (a) A description of Sponsor's purposes and activities, ties to the community (including minority community), local government support, how long it has been in existence, and any additional related information;
- (b) A description of Sponsor's housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities, sponsored, owned and operated by the Sponsor, the Sponsor's past or current involvement in any programs other than housing that demonstrates the Sponsor's management capabilities (including financial management) and experience, and the Sponsor's experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities, and the reasons for receiving any increases in fund reservation for developing and operating previously funded projects;
- (c) A description of Sponsor's participation in joint ventures, and experience in contracting with minority, women-owned and small businesses over the past 3 years. Include a description of the joint venture, partners involved and the Sponsor's involvement, and a summary of the total amount awarded in each of the three categories for the preceding 3 years and the percentage that amount represents of all contracts awarded by the Sponsor in the relevant time period;
- (d) A certified Board Resolution (attached) acknowledging responsibilities of sponsorship, long-term support of the project(s), willingness to assist the Owner to develop, own, manage, and provide appropriate services in connection with the proposed project, which reflects the will of its membership. It also acknowledges the Sponsor's willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one percent of the HUD-approved capital advance, not to exceed \$10,000, if nonaffiliated with a National Sponsor; one-half of one percent of the

(EXHIBIT 3 Cont'd)

HUD-approved capital advance, not to exceed \$25,000, for all other Sponsors;), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

- (e) Description, if applicable, of the Sponsor's efforts to involve elderly persons, including minority elderly persons, in the development of the application as well as its intent to involve elderly persons in the development of the project. **(Optional - 5 Bonus Points)**

EXHIBIT 3(d)

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation

Sponsor:

Project Location:

WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed \$25,000 (\$10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ of
the Sponsor on the _____ day of _____, _____.

Authorized Signature

PART III

THE NEED FOR SUPPORTIVE HOUSING FOR THE
ELDERLY IN THE AREA TO BE SERVED,
SITE CONTROL AND SUITABILITY OF SITE

ADEQUACY OF PROVISION OF SUPPORTIVE
SERVICES AND OF THE PROPOSED FACILITY

CRITERION - 2

2. In determining the need for supportive housing for the elderly in the area to be served and the suitability of the site consider:
 - (a) The extent of the need for the project in the area based on a determination by the HUD Office. This determination will be made by taking into consideration the Sponsor's evidence of need in the area based on the guidelines in the Application Package, as well as other economic, demographic and housing market data available, to the HUD Office.
 - (b) Proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, and other necessary services to the intended occupants, adequacy of utilities and streets, freedom of the site from adverse environmental conditions, compliance with site and neighborhood standards.
 - (c) Suitability of the site from the standpoint of promoting a greater choice of housing opportunities for minority elderly persons/families and affirmatively furthering fair housing.

CRITERION - 3

3. In determining the adequacy of the provision of supportive services and of the proposed facility, consider:
 - (a) The extent to which the proposed design will meet the special physical needs of elderly persons.
 - (b) The extent to which the proposed size and unit mix of housing will enable the Sponsor to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion.
 - (c) The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve.
 - (d) The extent to which the proposed supportive services will meet the identified needs of the residents.
 - (e) The extent to which the Sponsor has demonstrated that the identified supportive services will be provided on a consistent long-term basis.

EXHIBIT 4 - Project Information

(a) Evidence of need for supportive housing. A description of the category or categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and the Rural Housing Service (RHS) e.g., public housing), state or local data on the limitations in activities of daily living among the elderly in the area, aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure and housing condition, and the types of supportive services arrangements currently available in the area and the utilization of such services as evidenced by data from local social service agencies or agencies on aging.

(b) Description of the project

(1) Narrative description of the building design including a description of any special design features and community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10-20 years.

(2) Describe if and how the project will promote energy efficiency and if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(EXHIBIT 4 Cont'd)

- (c) Evidence of site control and permissive zoning.
 - (1) Evidence that the Sponsor has entered into a legally binding option agreement (which extends through the end of the current fiscal year and contains a renewal provision so that the option can be renewed for at least an additional six months) to buy or lease the proposed site; or has a copy of the contract of sale for the site, a deed, long-term leasehold, a request with all supporting documentation, submitted either prior to or with the Application for Capital Advance, for a partial release of a site covered by a mortgage under a HUD program or other evidence of legal ownership of the site (including properties to be acquired from the FDIC/RTC).
 - (2) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations or a statement of the proposed action required to make the proposed project permissible and the basis for the belief that the proposed action will be completed successfully before the submission of the commitment application.
 - (3) Narrative topographical and demographic description of the suitability of the site and area, how the site will promote greater housing opportunities for minority elderly and elderly persons with disabilities, thereby affirmatively furthering fair housing.
 - (4) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated.
 - (5) A Phase I Environmental Site Assessment, in

(EXHIBIT 4 Cont'd)

accordance with the ASTM, must also be submitted with the application. If further study is indicated after the Phase I Assessment, then a Phase II Assessment must also be submitted. However, it does not have to be submitted with the application but must be submitted by the date specified in the NOFA.

- (6) A letter from the State Historic Preservation Officer indicating whether the proposed site(s) has any historical significance.
- (d) Provision of supportive services and proposed facility.
- (1) A detailed description of the supportive services proposed to be provided to the anticipated occupancy.
 - (2) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services.
 - (3) The manner in which such services will be provided to such persons (i.e., on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents.

PART IV

GENERAL APPLICATION REQUIREMENTS AND
CERTIFICATIONS

EXHIBIT 5 - A list of the applications, if any, the Sponsor has submitted or is planning to submit to any other HUD Office in response to this NOFA or the NOFA for Supportive Housing for Persons with Disabilities. Indicate by HUD Office, the proposed location by city and State and the number of units requested for each application. A list of all FY 1996 and prior year projects to which the Sponsor(s) is a party, identified by project number and HUD Office, which have not been finally closed.

EXHIBIT 6 - HUD-2880, Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers. (Attached)

EXHIBIT 7 - E.O. 12372. A certification that the Sponsor has submitted a copy of its applications, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372. (Attached)

EXHIBIT 7

EXECUTIVE ORDER 12372

CERTIFICATION

(Name of Sponsor)

certifies that:

- +) ,
* *
.) -
- (1) this application for a capital advance under the Section 202 program was submitted to the State of _____ on _____ for review or
- +) ,
* *
.) -
- (2) it contacted the State and a determination was made that the State review was not required.

Enclosed is a copy of the SF-424 which was sent with the application submitted to the State.

(Signature of Authorized Official)

EXHIBIT 8 - Project Data on Occupancy, Displacement and Real Property Acquisition (optional Form 40087 attached) or provide a statement that:

(a) identifies all persons (families, individuals, businesses and nonprofit organizations (identified by race/minority group, and status as owners or tenants) occupying the property on the date of submission of the application for a capital advance;

(b) indicates the estimated cost of relocation payments and other services,

(c) identifies the staff organization that will carry out the relocation activities.

(d) identifies all persons that have moved from the site within the past 12 months.

[NOTE: IF ANY OF THE RELOCATION COSTS WILL BE FUNDED FROM SOURCES OTHER THAN THE SECTION 202 CAPITAL ADVANCE, THE SPONSOR MUST PROVIDE EVIDENCE OF A FIRM COMMITMENT OF THESE FUNDS. WHEN EVALUATING APPLICATIONS, HUD WILL CONSIDER THE TOTAL COST OF PROPOSALS (i.e., COST OF SITE ACQUISITION, RELOCATION, CONSTRUCTION AND OTHER PROJECT COSTS).]

EXHIBIT 9 - SF-424. A certification on SF-424, Application for Federal Assistance, that the Sponsor(s) is not delinquent on the repayment of any Federal debt.
(Attached)

EXHIBIT 10 - A certification (attached) regarding Lobbying that complies with 24 CFR 87 must be submitted by the Sponsor. If the Sponsor has made or has agreed to make any payment using nonappropriated funds for lobbying activity, as described in 24 CFR 87, the submission must also include SF-LLL, Disclosure of Lobbying Activities (attached).

EXHIBIT 10

LOBBYING CERTIFICATION

The Sponsor certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Sponsor shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Authorized
Certifying Official

Title

Applicant Organization

Date

EXHIBIT 11

CERTIFICATION OF CONSISTENCY WITH
THE CONSOLIDATED PLAN
(PLAN)

The _____, certifies
(State, City or County)

that the proposed activities are consistent with the
Consolidated Plan for the jurisdiction in which the proposed
project will be located.

(Signature of Public Official Responsible for Submitting the Plan)

(Date)

EXHIBIT 12

SPONSOR CERTIFICATIONS

The Sponsor, to the best of its knowledge and belief, hereby assures and certifies that it will comply with the following:

1. **CERTIFICATION IN CONNECTION WITH THE DEVELOPMENT AND OPERATION OF A SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROJECT:**

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR Part 8; the Fair Housing Act (42 U.S.C. 3600-3619) and the implementing regulations at 24 CFR Part 100, 108, 109, and 110; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations at 24 CFR Part 1; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR Part 135; the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR Part 146; Executive Order 11246 (as amended) and the implementing regulations at 41 CFR Chapter 60; the regulations implementing Executive Order 11063 (Equal Opportunity in Housing) at 24 CFR Part 107; the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) to the extent applicable; the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity.

2. **DRUG-FREE WORKPLACE ACT**

Provide drug-free workplaces in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) by:

a. publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b. establishing an ongoing drug-free awareness program to inform employees about -

- (1) the dangers of drug abuse in the workplace;
- (2) the sponsor's policy of maintaining a drug-free workplace;

(3) any available drug counseling, rehabilitation, and employee assistance programs; and

(4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

c. making it a requirement that each employee to be engaged in the performance of the capital advance be given a copy of the statement required by paragraph (a);

d. notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the capital advance, the employee will -

(1) abide by the terms of the statement; and

(2) notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. notifying HUD in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

f. taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted -

(1) taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f);

h. providing the street address, city, county, state, and zip code for the site or sites where the

performance of work in connection with the grant will take place.

3. **DESIGN AND COST STANDARDS:**

HUD's design and cost standards, the Uniform Federal Accessibility Standards and HUD's implementing regulations at 24 CFR part 40, Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

4. **ACQUISITION AND RELOCATION**

The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), implemented by regulations at 49 CFR part 24, and 24 CFR § 891.155(e).

5. **FORMATION OF OWNER CORPORATION**

It will form an Owner (as defined in § 891.305) after the issuance of the capital advance, will cause the Owner to file a request for determination of eligibility and a request for capital advance and will provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at conditional commitment processing in an amount sufficient to meet its obligations in connection with the project.

6. **DAVIS-BACON**

The Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

7. **FLOOD DISASTER PROTECTION ACT OF 1973**

The requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

8. **NATIONAL ENVIRONMENTAL POLICY ACT**

The National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR Part 50.

9. **TRUTH AND ACCURACY.**

The information provided to HUD in its application under the Section 202 Supportive Housing for the Elderly is true and accurate, to the best of its knowledge.

Signature of Authorized
Certifying Official

Title

Applicant Organization

Date

WARNING

HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties (18 U.S.C. 1001,1010,1012; 31 U.S.C. 3729 /FS3802).